



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 N. HARBOR DR.
SAN DIEGO, CA 92132-0056

IN REPLY REFER TO:
COMNAVREGSWINST 1752.23
N93MPR

4 OCT 2006

COMNAVREGSW INSTRUCTION 1752.2B

From: Commander, Navy Region Southwest

Subj: FAMILY VIOLENCE

Ref: (a) OPNAVINST 11103.1B
(b) Manual for Courts-Martial
(c) SECNAVINST 1752.3B
(d) OPNAVINST 1752.2A
(e) OPNAVINST 5580.1A
(f) Deputy Secretary of Defense Memorandum, "Restricted Reporting Policy for Incidents of Domestic Abuse," January 22, 2006
(g) Under Secretary of Defense Memorandum, "Domestic Abuse Response and Intervention Training for Commanding Officers and Senior Enlisted Personnel," February 03, 2004

Encl: (1) Definitions
(2) Military Protective Order, DD Form 2873, July 2004

1. Purpose. To establish policy and procedures for prevention, deterrence, and response to family violence incidents occurring within Commander, Navy Region Southwest's (CNRSW) Area of Responsibility (AOR) under the guidance of references (a) through (g). Enclosure (1) is provided for clarification of specific terms.

2. Cancellation. COMNAVREGSWINST 1752.2A.

3. Discussion. Family violence, including domestic and child abuse, is incompatible with military service, undermines military readiness, and is prejudicial to good order and discipline. Commanding Officers (CO) must act promptly, including taking appropriate disciplinary and administrative action if warranted, to address and respond to family violence incidents. Efforts to eliminate family violence include education, proactive coordination with military and civilian social services, active investigative support by law enforcement authorities, disciplinary and administrative action to hold offenders accountable, and command support to protect and

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promote victim safety. Appropriate treatment and counseling for offenders and victims is necessary to prevent further family violence incidents. Treatment and training programs are available through the local Family Advocacy Program (FAP).

4. Action. The following actions are necessary to achieve the goals of family violence prevention; victim safety and protection; offender accountability; rehabilitative education and counseling; and community accountability/responsibility for a consistent and appropriate response.

a. Installation Commanding Officers (ICOs), with support from military and civilian social services, Regional Legal Service Office (RLSO), and law enforcement personnel, shall:

(1) Identify cases of family violence to protect victims and provide early intervention to alter patterns of abusive behavior.

(2) Strongly encourage treatment where it is appropriate. Professional intervention is most effective when applied at the earliest possible stage.

(3) Ensure the establishment and maintenance of FAP prevention, education and awareness programs.

(4) Ensure effective coordination and cooperation among all FAP-related agencies, and activities.

(5) Enforce court-issued civilian protective orders on Navy installations in accordance with the Armed Forces Domestic Security Act (10 U.S.C. 1561a).

(6) In cases where a family violence incident involves a civilian aggressor, the ICO may issue a Conditional Access Letter to the civilian. The purpose of this letter is to stipulate base access upon compliance with conditions similar to those imposed by a civilian protection order or a Military Protective Order (MPO) [see Enclosure (2)]. Failure to comply with the conditions established in enclosure (2) may (ICO discretion) result in the issuance of a permanent barment letter.

(7) Take appropriate actions to reasonably ensure the safety of victims. In all family violence situations, the safety of the victim(s) is the primary concern, and ICOs will take appropriate action to ensure the safety of an alleged

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victim, including issuance of an MPC [see Enclosure (2)]. Emergency temporary lodging may be provided to victims on a space available basis for up to 10 days in Visitor's Quarters (VQ), at a nightly fee based on the current Regional service charge.

(8) Adult family violence victims shall be informed of their right to make a restricted report in accordance with reference (a).

(9) In all family violence cases, direct the military member to dispose of personal firearms located at his or her residence. Emergency/hardship temporary lodging may be provided to an offender to assist them in complying with CPS and MPO requirements per reference (a). It is the service member's responsibility to ensure that all lodging fees and associated charges accumulated during his or her stay are paid in full.

(10) Appoint a Family Advocacy Representative (FAR) and Family Advocacy Officer (FAO), who will coordinate local efforts to establish a comprehensive, coordinated community response to family violence.

(11) Through support of Community Support Services, ensure Family Advocacy Committee (FAC) and Case Review Committee (CRC) participants receive annual training to include family violence risk factors, abuse dynamics, basic community information and referral, safety planning, and FAP's response to family violence.

(12) Hold the perpetrator accountable. Allegations of family violence offenses by military members should be disposed of in a timely manner by the member's CO in accordance with Rule for Courts-Martial 306(b) of reference (b). ICOs are required to respond by naval message to NRSW within 30 days indicating specific disposition of the incident. The requirement to provide updates every 30 days continues until the charges are disposed of by the ICO. This reporting requirement is not intended to affect or influence disciplinary proceedings, which remain within the sole discretion of the suspected offender's CO.

(13) Civilian courts may require an alleged offender to remain away from his or her residence in order for a non-offending parent to retain custody of the child victim. After consulting with the FAR, it may be appropriate for the CO to issue an MPO for a period of up to 30 days to any military

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member identified as an offender. Prior to the expiration of the MPO, the alleged offender's CO shall review the MPO and evaluate any changes in the situation to determine if continuation of the MPO is warranted.

b. Reporting and Investigative Response. In accordance with references (c) and (d), it is the responsibility of all personnel to immediately report all suspected or known cases of family violence to the installation FAR.

(1) State statutes mandate certain people to report suspected child abuse to their local child Protective Services (CPS) agency. A complete list of mandated reporters is set out in California Penal Code § 11165.7 and Nevada Revised Statutes §432B.220.

(2) CPS shall have the primary responsibility for providing child protection services, including appropriate foster care, as needed. CNRSW Force Protection Personnel (FPP) are authorized to remove abused or neglected children into protective custody in areas of their authority while awaiting the arrival of CPS workers.

(3) When an instance of child abuse or neglect is suspected or discovered on a military installation, and it is deemed necessary and practical, a child will immediately be taken to a military treatment facility (MTF) or other appropriate military medical site for examination to assess the child's physical and mental state.

(4) Whenever possible in the case of a child victim/witness, an attempt will be made to conduct a joint interview between CPS and the appropriate law enforcement agency. If more than one interview is necessary, those interviews will be coordinated through law enforcement and the assigned CPS worker.

(5) FAP files are Privacy Act records described in Family Advocacy Systems Notice #N06320-2. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis. Questions regarding release of these files should be referred to a judge advocate.

c. Force Protection Personnel shall:

(1) Respond to incidents of family violence in areas on naval installations in CNRSW's AOR over which the United States exercises exclusive or concurrent jurisdiction, to restore order, protect victims, secure the crime scene, and complete an investigation as appropriate.

(2) FPP will also provide immediate notification of a family violence incident to the member's command and NCIS, and will make recommendations concerning issuance of an MPO, and contacting the FAR.

(3) FPP will also establish family violence investigation training and Standard Operating Procedures (SOP) for responding to family violence calls, in accordance with the provisions of reference (e). The SOP will include guidelines for investigation, collection of evidence, documentation, and reporting in family violence incidents.

(4) FPP will appoint an FPP representative to serve on FACs and CRCs, as appropriate, and not to include any FPP who responded to a family violence incident being reviewed by the CRC.

(5) Direct FPP to receive regular and ongoing FAP related family violence training in accordance with reference (d).

(6) Provided that CPS is permitted to enter a military installation pursuant to an MOA, if a parent or other party becomes belligerent or attempts to interfere with a CPS investigation or lawful removal of a child, FPP will exercise appropriate military authority to allow CPS to do its job.

d. Installation FAP personnel shall:

(1) Take primary responsibility for case management, intervention, and rehabilitation aspects of the FAP in accordance with references (c), (d) and (f).

(2) Receive reports of family violence. Provide intake, crisis intervention, safety/risk assessment, and safety planning services.

(3) Notify appropriate civilian and military authorities of family violence incidents per references (c) and (d), keeping in mind the adult family violence victim's option of restricted reporting in accordance with reference (f).

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(a) Report all incidents of family violence involving major physical injury or an indication of an offender's propensity or intent to inflict major physical injury and all incidents of known or suspected family violence-related sexual abuse to NCIS and the military member's command.

(b) Notify Commanding Officers/Command Family Advocacy Representatives (CFAR) of incidents of family violence that are opened as FAP cases or received as transferred cases. These notifications should take place within one working day of FAP staff notification.

(4) Provide for the operation of CRC and FAC meetings in accordance with reference (d), to include timely communication regarding dates for CRC review of cases and CRC determination/recommendations.

(5) Coordinate, develop and deliver Family Violence Awareness Training. Reference (g) provides that this training should be delivered to all newly appointed commanding officers, executive officers, command master chiefs and chiefs of the boats within 90 days of their assuming those positions per reference (g). Annual General Military Training (GMT) presented by the FAP to installation and tenant personnel is strongly recommended. Family Violence Awareness Training must be made available upon request. In addition, Family Violence Awareness Training is encouraged in the following venues: Captain's Call; command indoctrination; base indoctrination; Chief Petty Officer indoctrination; and Safety Stand Down.

e. Commanding Officers shall:

(1) Take appropriate actions to reasonably ensure the safety of victims.

(2) Adult family violence victims shall be informed of their right to make a restricted report in accordance with reference (f).

(3) Ensure command members are trained on identification and prevention of family violence, reporting requirements, and command, community, and FAP's response to family violence. Incorporate FAP awareness as regular professional development training.

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(4) In all administrative separation processing boards involving family violence, assign judge advocates as recorders if they are reasonably available.

(5) Facilitate appropriate intervention, rehabilitation education, counseling and support services for the service member and family.

(6) Designate a CFAR or command representative to work with the FAR, and to monitor the status of each case.

(7) Maintain regular communication, via the CFAR, with FAP staff in order to obtain the necessary information to support victim safety, offender accountability, and good order and discipline.

(8) Provide for CFAR attendance to CRC meetings when command-related cases are to be discussed in order to provide CRC members with needed information.

(9) Take appropriate disciplinary and administrative action to dispose of charges against those members who are alleged to have committed family violence. Allegations of family violence offenses by military members should be disposed of in a timely manner by the member's Commanding Officer in accordance with Rule for Courts-Martial 306(b) of reference (b). Commanding Officers are required to respond by naval message to NRSW within 30 days indicating specific disposition or updates of a domestic abuse or child abuse incident with an information copy provided to their ISIC. The requirement to provide updates every 30 days continues until the charges are disposed of by the Commanding Officer. This reporting requirement is not intended to affect or influence disciplinary proceedings, which remain within the sole discretion of the suspected offender's Commanding Officer.

(10) When pretrial restraint is required by the circumstances of a family violence incident, the member's Commanding Officer should place the member in appropriate pretrial restraint for the reasons set forth in Rule for Courts-Martial 304(c) of reference (b). The decision whether to impose pretrial restraint, and, if so, what type or types, should be made on a case-by-case basis.

(11) Civilian courts may require an alleged offender to remain away from his or her residence in order for a non-offending parent to retain custody of the child victim. After

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consulting with the FAR, it may be appropriate for the CO to issue an MPO for a period of up to 30 days to any military member identified as an offender. Prior to the expiration of the MPO, the alleged offender's CO shall review the MPO and evaluate any changes in the situation to determine if continuation of the MPO is warranted.

(12) In all cases involving allegations of child sexual abuse, COs will ensure the prompt notification of NCIS, Bureau of Naval Personnel (PERS-483), and the FAR. COs are responsible for keeping PERS-483 informed regarding case status per reference (f). In cases where allegations are substantiated, the cognizant CO shall have full discretion in holding the offending service member accountable. The cognizant CO shall ensure that victim safety concerns are fully addressed. If the CO does not initiate disciplinary proceedings, PERS-483 will review the case and, where appropriate, may direct administrative processing. Administrative processing is mandatory in all substantiated cases unless the member has been acquitted at a criminal proceeding (including a civilian trial). Sitreps are expected for cases involving child sexual abuse or major injuries.

(13) In all administrative separation processing boards involving child sexual abuse, ensure that a judge advocate is assigned as the recorder unless compelling reasons dictate otherwise. In cases of other types of child abuse, assign judge advocates as recorders if they are reasonably available.

f. Family Violence Prevention Resources. Commands, victims, and offenders have numerous resources available to assist them, including:

(1) Security:

Naval Air Weapons Station, China Lake (760) 939-3323
Naval Air Station, Fallon (775) 426-2803
Naval Air Facility, El Centro (760) 339-2524
Naval Air Station, Lemoore (559) 998-4749
Naval Post Graduate School, Monterey (831) 656-2556
Naval Base Ventura County
Metro San Diego, (619) 524-5503

(2) Naval Criminal Investigative Service:

Naval Air Weapons Station, China Lake (760) 939-6646
Naval Air Station, Fallon (775) 426-4565
Naval Air Facility, El Centro (928) 269-2305 or
3152 (MCAS Yuma, Arizona)

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Naval Air Station, Lemoore (559) 998-3373
Naval Post Graduate School, Monterey (831) 656-3606
Naval Base Ventura County (805) 982-4524
Metro San Diego, (619) 556-1364, after hours
(619) 524-2006

(3) Victim Assistance:

Naval Air Weapons Station, China Lake (760) 939-8010
Naval Air Station, Fallon (775) 426-3343
Naval Air Facility, El Centro (760) 353-6922
Naval Air Station, Lemoore (559) 998-4042
Naval Base Ventura County (805) 982-3726/5037
Metro San Diego: (619) 532-1422

(4) Counseling, Advocacy and Prevention Services:

Naval Air Weapons Station, China Lake (760) 939-4551
Naval Air Station, Fallon (775) 426-3333
Naval Air Facility, El Centro (760) 339-2241
Naval Air Station, Lemoore (559) 998-4042
Naval Post Graduate School, Monterey (831) 656-
3060/1010/1008
Naval Base Ventura County (805) 982-5037
Fleet and Family Support Center, San Diego (619)
556-7404
Family Advocacy Center, San Diego (619) 556-8809

(5) Naval Hospital/Medical Clinic:

Naval Air Weapons Station, China Lake (760) 939-8000
Naval Air Station, Fallon (775) 426-3100
Naval Air Facility, El Centro (760) 339-2674
Naval Air Station, Lemoore (559) 998-4481
Naval Post Graduate School, Monterey (831) 242-
5741/524/5663 (Army)
Naval Base Ventura County (805) 982-6301
Naval Medical Center, San Diego (619) 532-6400

(6) Chaplain's Office:

Naval Air Weapons Station, China Lake (760) 939-3506
Naval Air Station, Fallon (775) 426-2813
Naval Air Facility, El Centro (760) 339-2290
Naval Air Station, Lemoore (559) 998-4618
Naval Post Graduate School, Monterey (831) 656-2241
Naval Base Ventura County (805) 982-4358
Metro San Diego, Regional Chaplain (619) 532-3898

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- (7) Citizens Against Domestic and Sexual Abuse:
1-800-215-5669
- (8) California and Nevada State Crime Victims
Compensation: 1-800-777-9229
- (9) Statewide Multilingual Help Line: 1-800-562-6025.


L. R. HERING

Distribution:

Electronic only, via CNRSW Directive Website

<http://www.cnrsw.navy.mil/admin/index.htm>

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DEFINITIONS

Child Abuse. Child abuse is defined as physical injury, sexual abuse, emotional abuse, deprivation of necessities, or other abuse of a child by a parent, guardian, employee of a residential facility, or any person providing out-of-home care, who is responsible for the child's welfare, under circumstances that indicate the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of such a responsible person. This term includes, but is not limited to, individuals known to the child and living or visiting in the same residence who are unrelated to the victim by blood or marriage, and individuals unknown to the victim. Specific types of abuse are: physical abuse, sexual abuse, emotional abuse and neglect.

Child Protective Services Worker. A local county social services department representative whose job it is to investigate and manage cases where children's lives, health and/or wellbeing are jeopardized because of abusive acts or neglect.

Command Family Advocacy Representative. A command representative, appointed by the Commanding Officer to be the principle liaison between the command and FAP.

Commander, Navy Region Southwest (CNRSW). A Department of the Navy (DON) command with primary responsibility, through its Force Protection and Support Services programs for the provision of the Family Advocacy Program (FAP), law enforcement and physical security services on naval installations through out California, Nevada and Arizona.

Domestic Violence. An offense under the United States Code, the Uniform Code of Military Justice (UCMJ), or state law that involves the use, or attempted use of force or violence against a person who is (a) a current or former spouse; (b) a person with whom the abused shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has a common domicile.

Domestic Abuse. The use, attempted use, or threatened use of physical force, violence, sexual assault, or the intentional destruction of property; or behavior that has the intent or impact of placing a victim in fear of physical injury; or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty who

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is a) a current or former spouse; (b) a person with whom the abused shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has a common domicile.

Family Advocacy Case Review Committee (CRC). A multi-disciplinary team of DON civilian and military service providers and other professionals directly involved with FAP cases. CRC functions include case management of child abuse cases; determination of case status as pending, unsubstantiated or substantiated; submission of intervention/treatment plans; and general disposition recommendations.

Family Advocacy Program (FAP). A multi-disciplinary Department of Defense program established for the prevention, education, training, identification, reporting, intervention, assessment, treatment and follow-up of family violence incidents by or against members of the naval service.

Family Advocacy Program Committee (FAPC). The coordinating, recommending, and policy-making, body for the installation FAP. It includes representatives from Fleet and Family Support Programs, medical, law enforcement, legal, chaplains, Child Youth Programs, and installation and tenant commands.

Family Advocacy Representative (FAR). A person, usually a credentialed social worker or other clinical counselor, eligible for independent provider status who is responsible for implementing and managing the intervention/rehabilitation aspects of the installation FAP.

Force Protection Program (FPP). The program responsible for law enforcement, physical security and investigative matters not assumed by the Naval Criminal Investigative Service for all naval properties within CNRSW. This naval security force comprised of military and civilian police officers and investigators is the agent of the Force Protection Program Manager.

Naval Criminal Investigative Service (NCIS). The Department of the Navy agency primarily responsible for investigating actual, suspected, or alleged major criminal offenses contemplated or committed against a person, the U.S. Government, or private property.

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MILITARY PROTECTIVE ORDER**PRIVACY ACT STATEMENT**

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1996, Sec. 534.

PRINCIPAL PURPOSE(S): To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

ROUTINE USE(S): Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

DISCLOSURE: Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON (Important: see NOTE)			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
c. UNIT				c. UNIT			
d. INSTALLATION				d. INSTALLATION			

NOTE: Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER**4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:**

a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____			
b. Order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____			Property Settlement Custody and/or Visitation

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5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that (initial applicable portions):

a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.

b. The above-named service member shall remain at all times and places at least _____ feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:

c. The above-named service member will vacate the military residence shared by the parties located at:

d. Until further notified, the above-named service member will be provided temporary military quarters at:

e. The above-named service member will attend the following counseling:

f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.

g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.

h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.

i. Other specific provisions of this order:

6. DURATION: The terms of this order shall be effective until _____, unless sooner rescinded, modified, or extended in writing by me.

ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE

b. DATE (YYYYMMDD)

7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE

b. DATE (YYYYMMDD)

DISTRIBUTION:

Service member

Protected person (Custodial parent of protected child)

Service member's local personnel file